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Declaration of Gregory M. Fox
EXHIBIT G (5 pages of Evans Depo)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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COPY

SRI LOUISE COLES, et al.,

Plaintiffs,

-vs-

NO. C03-2961 TEH (JL)
C03-2962 TEH (JL)

CITY OF OAKLAND, a municipal entity,
et al.,

Defendants.

LOCAL 10, INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION, et al.,

Plaintiffs,

-vs-

CITY OF OAKLAND; et al.,

Defendants.

DEPOSITION OF ERNEST EVANS

Thursday, April 14, 2005

Reported By:
Evangeline McGonegal
CSR No. 5511
(Huneke)

LUSK & SNYDER
760 MARKET STREET, SUITE 326
SAN FRANCISCO, CALIFORNIA 94102
(415) 362-5991/FAX (415) 362-6198

1 A. Yes.

2 Q. And what, if anything, did you say to them when
3 they came over?

4 A. Well, I didn't have to say much. They came
5 over, and they helped me sit up, and told me to sit
6 there until the ambulance came.

7 Q. Who came over.

8 A. Wanda was one, and then about four or five
9 other people. Some of them I knew. Wanda was the first
10 one who got there. Oh, heck, I can't think of the other
11 guys' names that came over.

12 Q. If they occur to you later on, just speak up.

13 A. Yes.

14 Q. What were you wearing that day?

15 A. I was wearing a shirt with a T-shirt
16 underneath.

17 Q. And what did the shirt look like?

18 A. It was a shirt similar to this. Not with the
19 writing on it, but...

20 Q. Did it button?

21 A. No.

22 Q. It was a pullover?

23 A. It was just a pullover.

24 Q. What color was it.

25 A. I don't remember.

1 Q. Do you remember whether you had a jacket on?

2 A. No, I didn't have a jacket on.

3 Q. And do you still have the pullover shirt that
4 you were wearing?

5 A. I think I threw it away, because it was torn
6 and burned.

7 Q. So when you took it off later and observed it,
8 there was black marks around where you had been hit?

9 A. Yes.

10 Q. And there was a tear in the fabric?

11 A. Yes. And it left a mark on the shirt I had on
12 underneath.

13 Q. On the T-shirt?

14 A. Yeah.

15 Q. And did you save the T-shirt?

16 A. I wasn't thinking at the time. I should have.

17 Q. Did you take any photographs of the clothing
18 before you threw them away?

19 A. No, I didn't. They didn't get thrown away
20 right then, but they just worn stuff.

21 Q. Did you end up wearing them again after the
22 incident, before you threw them away?

23 A. No.

24 Q. Do you remember what pants you had on that day?

25 A. Jeans.

1 Q. Blue jeans?

2 A. Yeah.

3 Q. And the jeans, were they marked in any way?

4 A. No.

5 Q. When the others came over to help you up, did
6 you then get up or did you continue to sit?

7 A. Continued to sit.

8 Q. And how long did you sit there with the other
9 folks.

10 A. I sat there until the ambulance came. I don't
11 know exactly how long that took. It wasn't a long time,
12 but it was long enough.

13 Q. And what happened when the ambulance came.

14 A. I got up, and one of the medics -- the people
15 with the ambulance -- came. And I got in the ambulance,
16 and they took a look at it.

17 Q. Did you get up by yourself?

18 A. No, some of the longshoremen that were there
19 helped me get up.

20 Q. What did the medic do.

21 A. He looked at my back, and checked my feet to
22 see if I had any tingling in them or anything. And then
23 he looked at my back and he put -- I don't know what he
24 put on it, but he put a Band-Aid on it or put a bandage
25 on it, and he told me to go to the hospital to get

1 STATE OF CALIFORNIA)
2) ss
COUNTY OF ALAMEDA)

3 I, EVANGELINE MCGONEGAL, a Certified
4 Shorthand Reporter do hereby certify:

5 That ERNEST EVANS, the witness in the
6 foregoing deposition was by me duly sworn to testify to
7 the truth, the whole truth, and nothing but the truth in
8 the within-entitled cause;

9 That said deposition was reported by me, a
10 Certified Shorthand Reporter, at the time and place
11 therein stated and was thereafter transcribed as herein
12 set forth;

13 That the witness was given an opportunity to
14 read and, if necessary, correct said deposition and to
15 subscribe the same.

16 I further certify that I am not interested in
17 the outcome of said action, nor of counsel or attorney
18 for either or any of the parties in the foregoing
19 deposition and caption named, nor connected with, nor
20 related to any of the parties in said action or to their
21 respective counsel.

22 IN WITNESS WHEREOF, I have hereunto set
23 my hand this 27th day of April 2005.

24 

25 EVANGELINE MCGONEGAL